

**Decision Record**  
for the  
**West Fork Cow Creek Road Gate**  
EA #OR110-00- 19

**I. Decision:**

It is my decision to implement the proposed action identified in Alternative 1 in the Environmental Assessment (EA) for the West Fork Cow Creek Gate. A gate will be installed on the West Fork Cow Creek road (rd. 32-8-1.1) at the junction with road 31-9-27, in T 31S, R 9W, sec. 27. The gate will be open during the summer and fall to allow for recreational use in this area, including camping, hiking and hunting. The gate will be closed and locked between January 1 and May 15 to protect runs of steelhead trout from poaching. During this period, the road will be officially designated as closed to motor vehicle traffic. Persons violating this closure will be cited and prosecuted under these regulations. At other times of the year, the gate will remain open and the road will be available for public use.

If heavy equipment is used to install the gate, the installation work would be done between March 1 and June 15. In addition, heavy equipment work would be limited to between 2 hours after sunrise to 2 hours before sunset from April 1st through August 6<sup>th</sup> to avoid disturbance to any marbled murrelet nesting in the vicinity.

**II. Rationale:**

A locked gate in this location will greatly aid law enforcement efforts in preventing fish poaching on the West Fork Cow Creek. This appears to be the best location, since it is far enough from the concentration area to deter most people from walking in and will help law enforcement officers prevent vandalism of the gate. The other alternatives would not have been as effective in these regards. The No Action Alternative was not selected because it would not have helped in addressing the need to prevent or reduce the poaching problem. The fish poaching occurring in this location poses a very real and substantial threat to a valuable fish run, especially since it is in a Tier 1 Key Watershed. The seasonal restriction on heavy equipment will avoid disturbing any spotted owls, marbled murrelets or other birds which might be nesting in the vicinity.

The gate will have other resource benefits, since it will reduce erosion during the winter months and reduce the spread of Port Orford Cedar root as well as noxious weeds.

I received six letters from various parties concerning this proposal. Four commentors, including the Oregon State Police and the Oregon Department of Fish and Wildlife supported the proposal to gate the road in this location. One concern was that a gate would not allow traditional camping and recreation to occur in the area. I understand this objection and it is the major reason I have decided to enforce a seasonal closure, rather than a year-round closure which was proposed in Alternative 3. This should allow most recreational use to continue. The area receives very little use in the rainy winter months of January, February, March and April. In opening the gate May 15, the area will be available for camping over Memorial Day. One comment questioned the need for a gate since the level of poaching was not documented. And the same letter questioned whether a gate will be effective in reducing illegal poaching. The request and subsequent information received from the Oregon State Police confirmed that poaching was occurring and a gate would help deter some poachers. It is true that people can still walk behind the gate, but a gate in this location will help considerably in reducing the illegal activities in the area.

This decision is consistent with the Record of Decision for the Medford District Bureau of Land Management Resource Management Plan (RMP) dated April 14, 1995, as well as the Endangered Species Act, The Native American Religious Freedom Act and cultural resource management laws and regulations.

The decision notice will appear in the Grants Pass Daily Courier, a newspaper of general circulation in the project area, on July 11, 2000. The date of publication of the legal notice will constitute the decision date for purposes of protests and appeals under 43 CFR 5003. The decision will also be posted on the Medford District web site (<http://www.or.blm.gov/Medford/>). Protests must be filed within 15 days of the publication of the decision.

Roger Schroes

7-6-00

Ln Lynda L. Boody  
Field Manager, Glendale Resource Area  
Medford District, Bureau of Land Management

Date

Finding of No Significant Impact (FONSI)

for the

**West Fork Cow Creek Road Gate**

EA #OR110-00- 19

The proposed action for the West Fork Cow Creek Road Gate (EA #OR110-00- 19) is described in the environmental assessment (EA) and it can be obtained at the Medford District Office or on the District web site (<http://www.or.blm.gov/Medford/>).

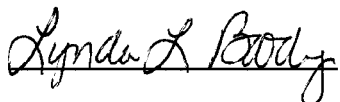
The proposed action is located within the Glendale Resource Area as described in the EA. The public notice of availability of this FONSI is provided through the Medford District BLM central registration recording system and newspapers in the area of the proposed action.

There are no floodplains, wetlands, wild and scenic rivers, known hazardous waste areas, areas of religious concern, prime or unique farmlands within the project area. The project area does not qualify for wilderness designation. No significant adverse impact is anticipated to fisheries, lands and minerals. No cultural sites or special status plants are in the project area.

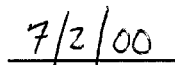
The estimation of impacts was based on research, professional judgment and experience of the interdisciplinary team. This method of estimating effects to the environment reduces the uncertainties to a level which does not involve highly unknown or unique risks.

FONSI DETERMINATION

I have reviewed the environmental assessment including the explanation and resolution of any potentially significant environmental impacts not previously identified. I have determined the action described above will not have any significant impacts on the human environment beyond those already fully described in the Final Medford District Proposed Resource Management Plan and Environmental Impact Statement and that a supplemental EIS is not required.



Lynda L. Boody  
Field Manager, Glendale Resource Area  
Medford District, BLM



Date